



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

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September 10, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Daniel J. Bryant *Carl P. Thorsen / D.A.A.G.*
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SUBJECT: Weekly Report for September 10 - September 14, 2001

THE WEEK AHEAD

- **Unaccompanied Alien Minors (S. 121):** On September 19th, the Senate Judiciary Subcommittee on Immigration will hold a hearing on legislation, introduced by Senator Feinstein, which would implement new procedures for handling juveniles who come into INS custody, and have no apparent guardian in the United States. Additionally, the legislation would create an Office of Children's Services, within DOJ, to monitor all unaccompanied alien minor activities. The Subcommittee has requested witnesses from INS and EOIR. (D. Burton)

THIS WEEK

- **Notification and Federal Employee Antidiscrimination and Retaliation Act of 2001 (H.R. 169):** This bill is on the House suspension calendar for September 11. Among other things, this bill would require that federal agencies that lose or settle certain discrimination cases under certain statutes reimburse the Judgment Fund for amounts paid to prevailing plaintiffs from the Fund. Despite significant agency concerns, the Administration has not taken a position on the bill because it is expected to stall in the Senate. (Daley, Jones)
- **Consequences for Juvenile Offenders Act of 2001 (H.R. 863):** This bill, which is on the House suspension calendar for September 11, would reauthorize, with various changes, the Juvenile Accountability Incentive Block Grant program and would authorize the Department to make grants to States for a number of specified purposes (e.g., building or renovation juvenile correctional facilities). The Department is on record as supporting this bill, with various suggested minor and technical changes. (Bernhardt, Jones)

- **Nominations:** A hearing on judicial nominees has been scheduled on September 13 on the following nominees: Barrington D. Parker, Jr., to be a United States Circuit Judge for the Second Circuit; Laurie S. Camp, to be a United States District Judge for the District of Nebraska; Michael P. Mills, to be a United States District Judge for the Northern District of Mississippi; and John Gillis, to be Director of the Office for Victims of Crime. (Scott-Finan)
- **Internal Deliberative Documents:** On September 13, the House Government Reform Committee will hold a hearing about the Department's position that internal deliberative documents pertaining to prosecutorial decision-making should not be made available to Congress. The Attorney General is scheduled to testify. On September 6, the Committee issued a subpoena for additional internal deliberative documents relating to prosecutorial decision-making, which demands production by September 11. (F. Burton)
- **DOJ Reauthorization (S. 1319):** The Senate Judiciary Committee held over the Department of Justice Reauthorization bill, for markup on September 13. We have received a proposed substitute bill, which is being circulated within the Department for comment. In addition, we are aware of two amendments (one affecting the Violence Against Women Office and one affecting the Feres Doctrine) that may be offered at the September 13 hearing. The Department continues to have concerns about the bill overall, which we have communicated to House and Senate Judiciary staffs. White House Counsel's Office is also working on provisions in the bill related to the Anti-Lobbying Act. (Owen)
- **INS Restructuring:** On September 13th, the House Judiciary Immigration Subcommittee will hold a hearing on INS restructuring. The Subcommittee has requested that the Inspector General testify. (D. Burton)
- **The Unlawful Internet Gambling Funding Prohibition Act (H.R. 556):** On September 13, the House Financial Services Committee has scheduled a mark-up of this legislation. The Department supports the intent of the bill and is currently working with the Administration on an official position. (Daley)

LAST WEEK

- **FY 2002 Intelligence Authorization Legislation:** The Senate Select Committee on Intelligence marked up its annual intelligence authorization bill on September 6. A provision to broaden criminal sanctions for leaks of classified information was not included; report language is expected to endorse the Department's proposal to lead an interagency review of the matter with a deadline of May 1, 2002, to report on the review's findings. The bill and report language are expected to be filed on September 11; the House Permanent Select Committee on Intelligence is scheduled to mark it up on September 20. (Walter)

- **Nominations:** On September 6, the Senate Judiciary Committee approved the nominations of Deborah Daniels, to be Assistant Attorney General for the Office of Justice Programs, and Richard Nedelkoff, to be Director of Bureau of Justice Assistance, by voice vote. The Committee approved the nominations of Sharon Prost, to be a United States Circuit Judge for the Federal Circuit, and Reggie Walton, to be a United States District Judge for the District of Columbia, each by a roll call vote of 19-0.

On September 4, all previously-nominated judicial candidates, all but one of the previously-nominated U.S. Attorney candidates, and all previously-nominated Departmental nominees, except the Parole Commission, were returned to the Senate. On September 5, an additional 13 U.S. Attorney nominees were sent to the Senate, making a total of 46 U.S. Attorneys awaiting action by the Senate. (Scott-Finan)

- **Section 245(i)/H.R. 1885** - On September 6, the Senate approved compromise language which would extend section 245(i). To be eligible to apply for legal status under this language, a person must demonstrate that their qualifying family or employment relationship existed by August 15th of this year, and they then have until April 2002, or 4 months after INS publishes regulations, to apply. The House is expected to consider the legislation under suspension on September 11th. (D. Burton)